

Summary of cases involving deaths or assault within Southern District of Florida

A) 2005 – 15 deaths

1) 9 Haitians confirmed deceased in 2005 in conjunction with 5 landings in Broward. U.S. Coast Guard (USCG) Miami FIST, from 15 Sep to 15 Dec 2005, recorded five Haitian migrant landings in Broward County involving a total of nine migrants drowning.

2) On February 8, 2005, there was an assault on a USCG Cutter Valiant crewmember 15nm south of Big Pine Key. As the Valiant small boat was pulling alongside, the crewmember on board the defendant's vessel brandished a metal rod in close proximity to the boarding team, and the driver attempted to ram the small boat. The boarding team member employed Oleoresin Capsicum (OC) spray and boarded the vessel. Upon embarkation, the defendant crewmember charged a boarding team member which resulted in a use of force.

3) On November 3, 2005, the Coast Guard received a telex from the Cuban Border Guard of a go-fast vessel that departed Matanzas, Cuba with an unknown amount of people. Apparently, the go-fast was heading north at 20 knots and USCG units employed warning shots and disabling fire in order to stop the go-fast. Hostile migrants attempted to grab the USCG Boarding Officer's weapons and the two man boarding team retreated over the side of the go-fast. USCG STATION MARATHON and USCG Cutter MARLIN boarding team members were able to re-board the vessel and gain compliance with minimal use of force, hand cuffs and control techniques. 37 Cuban migrants and 03 suspected smugglers were embarked to the MARLIN. The go-fast later sank after taking water over the stern. One migrant went into convulsions and another was unconscious from dehydration. Ultimately, both migrants were returned to stable condition.

4) On May 25, 2005, there was a migrant death on a beach in Cuba. The body was left behind by departing smugglers and migrants.

5) On June 25, 2005, approximately 25nm south of Big Pine Key, following a pursuit, warning shots, stopping, and boarding, a migrant was encountered unconscious and lying on the deck of the go-fast. The migrant apparently hit his head during the northbound transit.

6) On June 25, 2005, USCG intercepted a northbound go-fast. The go-fast did not respond and used evasive maneuvers as well as shouldering the Coast Guard vessel to avoid being stopped. Warning shots and disabling fire were not effective and the go-fast beached itself on Cook Key at high speed. The go-fast's operator was injured when the go-fast beached and he was apprehended by the Coast Guard. 7 Cuban migrants were located on Cook Key and taken into custody.

7) On August 2, 2005, USCG interdicted 26 migrants and 2 smugglers approximately 44 nautical miles southeast of Key West, FL. One of the migrants had blunt force trauma and was MEDEVAC'd to shore, where he thereafter died from his injuries.

8) On October 13, 2005, the USCG interdicted 29 illegal migrants & 2 smugglers 45 nautical miles south of Key West. The grossly overloaded go-fast vessel capsized during the Coast Guard rescue, trapping & killing a 6-yr-old boy underneath the vessel. The USCG had interdicted one of these smugglers previously. "The most important thing is to say that these trips are very dangerous" "The people who bring Cubans here do it for the money not patriotism." Armando Gutierrez, political consultant and spokesman for Elian Gonzalez's Miami family said while commenting on the death of the 6yr old Cuban boy. "The worst part is these smugglers are charging between 10 and 12 thousand dollars to bring people in." NINOSKA PEREZ, Cuban radio host and commentator for Radio MAMBI WAQI 710 AM commenting on a failed smuggling venture resulting in the death of the 6 yr old boy. "This is really tragic because these smugglers are bringing a lot of people in speed boats and they are putting people's lives at risk." NINOSKA PEREZ, Cuban radio host and commentator for Radio MAMBI WAQI 710 AM commenting on the death of the 6yr old Cuban boy.

9) On November 4, 2005, USCG interdicted a go-fast that capsized 65 nautical miles south of Key West, FL. The Cutter directed the suspect vessel's operator to keep the vessel pointed into the seas in order to maintain stability. While offloading the Cuban migrants onto CGC METOMPKIN, the vessel's operator turned the vessel causing it to capsize. It was confirmed that the go-fast was carrying 37 persons on board but only 35 were recovered. "In some way this has to stop. I know it's terrible and there is a lot of desperation on the part of Cuban families, but this is also a very dangerous way to get relatives out." NINOSKA PEREZ, Cuban radio host and commentator for Radio MAMBI WAQI 710 AM commenting on the death of the two Cuban women.

10) On December 10th, 2005, 3 children (and their mothers) were hoisted and transported ashore from a disabled migrant smuggling go-fast taking on water 54 nautical miles southwest of Key West, FL. USCG Cutter VALIANT arrived on scene and safely embarked a total of 37 people from the go-fast

11) On December 18, 2005, the U.S. Coast Guard intercepted the defendant on a "go-fast" vessel with ten Cuban aliens on board. The migrants were found sealed shut in a forward cabin. The defendant ignored warnings by the Coast Guard to stop and tried to ram the Coast Guard vessel numerous times before the Coast Guard successfully disabled the vessel's engines.

2006 – 7 Deaths – Florida Straits

1) From 16 Dec 2005 to 30 Sep 2006, USCG FIST Miami recorded two Haitian landings (one in Broward, one in Palm Beach) that resulted in the drowning deaths of 4 Haitians.

2) On February 6, 2006, the USCG interdicted 22 illegal migrants and 1 smuggler in a go fast vessel 58 nautical miles southwest of the Marquesas. Evidence indicated that a migrant died while the vessel was departing the beach in Cuba.

3) On July 8, 2006, migrant smugglers killed one Cuban woman & injured three other Cuban migrants during a high speed smuggling attempt in another grossly overloaded and unsafe small craft from Cuba. The deceased was among 31 migrants crammed into a go-fast boat.

4) Four CBP Officers were injured when responding to a migrant smuggling case off Key Largo on November 10th, 2006

5) On December 28th, 2006, a migrant smuggler ordered migrants to jump in the water off Jupiter, FL which resulted in the death of one migrant that could not swim..